



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J. HIKITA et al.

Application No.: 09/355,953

Filed: October 7, 1999

Group Art Unit: 3627

Examiner: J. Fischetti

Docket No.: 100806-09020

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GROUP 3600

For: PORTABLE POINT STORING MEMBER AND METHOD OF USING THE SAME

RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, D.C. 20231

February 5, 2003

Sir:

In reply to the Office Action mailed November 5, 2002, the following remarks are submitted as a full and complete response thereto.

REMARKS

The Office Action dated November 5, 2002 has been received and carefully noted. The following remarks are submitted as a full and complete response. Accordingly, favorable consideration of claims 3 and 9 is respectfully requested.

The Office Action rejected claims 3 and 9 under 35 U.S.C. §102(b) as being anticipated by Takahashi et al. (U.S. Patent No. 5, 504,701). The Office Action takes the position that Takahashi teaches or suggests all the features recited in claims 3 and 9. Applicants respectfully traverse this rejection.

Claim 3 is directed to a portable point storing member. The portable point storing member comprises point storing means for storing points corresponding to moneys, and having data holding portions equal in number to the points for holding write data. A read means reads out the points stored in the point storing means in accordance with an externally applied read instruction. A first cryptogram storing portion stores a first cryptogram set by a first person concerned with manufacturing of the point storing member. A second cryptogram storing portion stores a second cryptogram set by a second person

different from the first person and concerned with use of the point storing member. A point changing means allows change of each of the data holding portions in the point storing means between a first state and a second state in accordance with an externally applied point changing instructions. The point storing member also comprises a determining means for determining whether the changing means should be allowed to change the points or not, based on the first and second cryptograms.

Claim 9 is directed to a point storing member comprising a storing means for storing points, a first cryptogram storing portion storing a first cryptogram set by a first person concerned with manufacturing of the point storing member, and a second cryptogram storing portion storing a second cryptogram set by a second person different from the first person and concerned with use of the point storing member. The point storing member also comprises changing means for changing the points stored in the storing means, input means for receiving data to be verified, and comparing means for comparing the data received via the input means with the first and second cryptograms. The point storing member also determines whether the changing means should increase the points or not, based on a result of the comparison by the comparing means.

A feature of the claimed invention as recited in claims 3 and 9, is the determining means for determining whether the changing means should be allowed to change the points or not, based on the first and second cryptograms, and the comparing means for comparing the data received via the input means with the first and second cryptograms wherein it is determined whether the changing means should increase the points or not, based on a result of the comparison by the comparing means, respectively. The present invention, as claimed, provides the benefit of comparing the stored data so that illegal point increases can be eliminated. Also, the claimed invention, by provided such features can prevent increases in the point change only when it is necessary. Accordingly, Applicants respectfully submit that the applied prior art fails to teach or suggest the claimed invention, and therefore fails to provide the non-obvious advantages of the present invention.

Takahashi is directed to a memory card that includes an IC chip mounted on a plastic card substrate. The memory card further includes a user memory of a flash erase, such as an EEPROM, and a wire logic circuit for controlling the read, write, and erase operations for a number of memory cells constituting the user memory. However, it is

respectfully submitted that Takahashi neither teaches nor suggests the feature of a determining means for determining whether the changing means should be allowed to change the points or not, based on the first and second cryptograms, as recited in claim 3. Also, it is submitted that the applied prior art neither teaches nor suggests a comparing means for comparing the data received via an input means with the first and second cryptograms as claimed in claim 9.

The Office Action takes the position that the terminal device as disclosed in Takahashi performs the same function as the determining means and the comparing means as recited in claims 3 and 9, respectively. However, Takahashi discloses that the terminal device supplies a command that is input to a command decoder 20. The command decoder 20 then decodes the command, and subsequently, the command is carried out. However, the terminal device, as taught in Takahashi, does not determine whether a changing means should be allowed to change the points or not based on the first and second cryptograms. Rather, the terminal device transmits a command to the command decoder 20 to perform an erase, read, and write operation. Accordingly, the terminal device is not the same as a determining means. Thus, it is submitted that Takahashi neither teaches nor suggests the feature of a determining means for determining whether the changing means should be allowed to change the points or not, based on the first and second cryptograms, as recited in claim 3. Also, Takahashi neither teaches nor suggests the feature of a comparing means for comparing the data received via the input means with the first and second cryptograms wherein it is determined whether the changing means should increase the points or not, based on the result of the comparison by the comparing means, as recited in claim 9. In other words, Takahashi does not teach or suggest comparing the data and determining whether to increase the points are not based on a comparison performed by comparison means. Accordingly, Applicants submit that Takahashi neither teaches nor suggests all the features recited in claims 3 and 9. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 3 and 9.

In view of the distinctions discussed above, withdrawal of the rejections to claims 3 and 9 is respectfully requested. Claims 3 and 9 recite subject matter that is neither taught nor suggested by the applied prior art. Therefore, Applicants submit that the application is


now in condition for allowance with claims 3 and 9 contained therein.

Should the Examiner believe the application is not in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300.

Respectfully submitted,

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